

**California Department of Water Resources
Oroville Division, State Water Facilities
FERC Project No. 2100**

**Proposed Pre-Filing Relicensing
Communications Protocol**

A. Introduction

This document is the Communications Protocol for relicensing of the Oroville Division, State Water Facilities (Federal Energy Regulatory Commission Project No. 2100) (Oroville Facilities¹ or Project). It is intended to provide a framework for communication, cooperation and documenting consultation among the California Department of Water Resources (DWR or Licensee), the Federal Energy Regulatory Commission (FERC or Commission), government and public agencies, federally recognized Indian Tribes, and other interested parties and organizations (collectively “Participants²”) in connection with the relicensing of the Oroville Facilities. The Project is currently operated by DWR subject to the terms and conditions of a license issued by FERC in 1957.

B. Description of the Oroville Facilities

The Oroville Facilities are located on the Feather River in Butte County, California, and include the Oroville Dam and Reservoir, the Edward Hyatt Hydroelectric Powerplant, Thermalito Powerplant, Thermalito Diversion Dam Powerplant, Thermalito Forebay and Afterbay, and associated recreational and fish and wildlife preservation and enhancement facilities. The Oroville Reservoir (also known as Lake Oroville) is the principal water storage facility of the State Water Project (SWP) which conserves and delivers water to over two-thirds of California’s population and almost 1,000,000 acres of farmland.

The hydroelectric facilities at the Oroville Facilities have a combined licensed capacity of approximately 762 MW. The license project boundaries of the Oroville Facilities are shown on the attached map.

Additional information about the Oroville Facilities will be included in the Initial Information Package (IIP), which is currently being prepared and will be distributed upon completion.

¹ Historically, FERC has referred to the Oroville Facilities as the Feather River Project.

² Some Participants have special roles during relicensing. Select resource agencies and Indian Tribes have statutory responsibilities under Federal law and DWR has administrative responsibilities and responsibility for preparing and filing the license application.

C. Nature of the Relicensing Process

The existing license from FERC to operate the Oroville Facilities expires on January 31, 2007. DWR must file a notice of intent to seek a new license by January 31, 2002 and its application for a new license by January 31, 2005.

Consultation with Indian Tribes, regulatory agencies, and land management agencies leading up to the filing of an application for a new license, and environmental review of the project, will be consistent with the Alternative Licensing Procedures (ALP) for obtaining a new license specified by FERC in its Order No. 596 (18 C.F.R. §4.34(i)). These Alternative Licensing Procedures were adopted by FERC to:

- “(i) Combine into a single process the pre-filing consultation process, the environmental review process under the National Environmental Policy Act and administrative processes associated with the Clean Water Act and other statutes;
- (ii) Facilitate greater participation by and improve communication among the potential applicant, resource agencies, Indian tribes, the public and Commission staff in a flexible pre-filing consultation process tailored to the circumstances of each case;
- (iii) Allow for the preparation of a preliminary draft environmental assessment by an applicant or its contractor or consultant or a preliminary draft environmental impact statement by a contractor or consultant chosen by the Commission and funded by the applicant;
- (iv) Promote cooperative efforts by the potential applicant and interested entities and encourage them to share information about resource impacts and mitigation and enhancement proposals and to narrow any areas of disagreement and reach agreement or settlement of the issues raised by the hydropower proposal; and
- (v) Facilitate an orderly and expeditious review of an agreement or offer of settlement of an application for a hydropower license, exemption or amendment to a license.” (18 C.F.R. §4.34(i)(2))

In accordance with the Alternative Licensing Procedures, DWR will prepare an application and a Preliminary Draft Environmental Assessment (PDEA) in coordination with relicensing Participants. The PDEA will replace Exhibit E (Environmental Report) which FERC requires in a “traditional” license application process. FERC will then use the PDEA to conduct its own National Environmental Policy Act (NEPA) review process after the application is filed.

D. Participation in the Relicensing Process

The relicensing process for the Oroville Facilities, including the scoping and review of the PDEA, is open to the public and broad participation is encouraged. In October 1999, DWR sent out an informal mailer to known and potentially interested government agencies, Indian Tribes, and other interested parties and organizations to initiate a mailing list of those interested in the relicensing process. The Department will continue to update this list as other interested individuals and organizations become known or identify themselves. The list along with public notices issued by DWR and FERC will be used to furnish notice of availability of information for public review and to provide notice of public meetings. Any party that wishes to be added to the list should contact:

Sue Larsen
Department of Water Resources
Room 1640
P.O. Box 942836
Sacramento CA 94236-0001
Telephone: (916) 653-1096
Fax: (916) 653-9295
E-mail: slarsen@water.ca.gov

E. Communications Goals and Methods

1. Communication Goals

In adopting this Communications Protocol, DWR has the following goals:

- to encourage broad public and agency participation in the relicensing process;
- to provide ample notice of meetings open to attendance by the general public;
- to provide documentation of both public meetings and other meetings and contacts with specific groups and individuals at which action is taken or decisions are made affecting relicensing;
- to provide a mechanism for establishing the formal consultation record required for the ALP;
- to provide a mechanism for public access to studies, meeting summaries and other components of the Public Reference File to be maintained by DWR.

2. Communication Methods

Consistent with State and federal paper reduction policies, and in accordance with the objectives of FERC Order No. 604, issued May 26, 1999, DWR intends, where possible, to transmit and receive written relicensing materials in electronic format, and to publish this material on its Oroville Facilities relicensing web site. The Oroville Facilities relicensing web site can be accessed from DWR's Home Page web site located at <http://www.water.ca.gov> by clicking on the relicensing link.

In most instances, the following procedures will be used:

<u>Document</u>	<u>Primary</u>	<u>By Request</u>
Meeting notices	Web site and E-mail	Hard-copy
Meeting summaries ³	Web site with E-mail notice	Hard-copy
Major documents	Web site and/or CD-ROM	Hard-copy
Correspondence		
From DWR	Web site and E-mail	Hard-copy
From others	E-mail or disk	Hard-copy
Status reports	Web site with E-mail notice	Hard-copy

Substantive correspondence relating to relicensing between DWR and other Participants and between FERC and DWR will be included in the Public Reference File and posted on the Oroville Facilities relicensing web site. Copies of correspondence between Participants and FERC shall become part of the Public Reference File described in Section I and will be posted on the Oroville Facilities relicensing web site. DWR requests that all correspondence be sent to DWR within 10 working days via E-mail or disk to facilitate such posting. Hard copies will be scanned by DWR and posted on the Oroville Facilities relicensing web site.

F. Meetings

1. Formal Public Meetings

DWR will convene the following formal public meetings during the relicensing process to obtain comments from the general public: (1) an initial information meeting; (2) a meeting or meetings to scope environmental issues; (3) a meeting to receive comments on the PDEA.

FERC will publish advance notice of these meetings in the *Federal Register*.

DWR will publish notice of these meetings in appropriate local and other media. In addition DWR will post notice on its Oroville Facilities relicensing

³ Includes scheduled teleconference meetings.

web site and provide notice of all such meetings to all Participants on the relicensing mailing list. Generally, at least 30 days notice of such meetings will be provided. Notice for those on the DWR mailing list will be by E-mail unless otherwise requested.

Unless otherwise specified, these meetings will be held in Butte County, California or in Sacramento, California. Summaries of these meetings will be prepared, distributed to Participants, posted on the Oroville Facilities relicensing web site, included in the Public Reference File, and included in DWR's six-month progress reports to be filed with FERC as set forth in Section J.

2. Plenary and Working Groups

Plenary and Working Groups consisting of relicensing Participants will be convened for the duration of the Communications Protocol. The Plenary Group will be made up of representatives for all interests that would meet periodically to review work progress, help resolve disputes referred to it by Working Groups, and provide a global perspective. It will shepherd the process from beginning to end. The Working Groups will address specific resource issues such as water supply, fishery resources, recreation and cultural resources⁴. Such meetings will be held primarily in Butte County, California, although some meetings may be held in Sacramento, California or elsewhere. Summaries of these meetings, including decisions and action items, will be distributed to attendees via E-mail, posted on the Oroville Facilities relicensing web site, and included in the Public Reference File.

DWR will attempt to provide at least 15 days notice of and agendas for such meetings to all Participants. Notice will be by electronic mail unless notice by mail is requested.

DWR will attempt to provide meeting materials at least seven days in advance of the scheduled meetings to all Participants who request the meeting materials. The intent is to provide meeting Participants with sufficient notice and information to facilitate meaningful participation.

DWR anticipates that there will be a significant number of government agencies, Indian Tribes, and other parties and organizations participating or interested in the relicensing process. To assist the Department in conducting an open and informative process, we encourage parties and organizations with similar interests to form coalitions and choose appropriate spokespersons to represent their interests throughout the relicensing process. Our goal is to understand and fully consider Participants' interests. To do so effectively, we will need the cooperation of Participants so that meetings and other collaborative processes can be conducted in an efficient manner.

⁴ All meetings are open to the public.

3. FERC Staff Participation

FERC staff may, without prior notice, participate in formal public meetings and Working Group meetings prior to DWR's submittal of its formal relicensing application which will be no later than January 31, 2005.

4. Meeting Summaries

DWR will be responsible for preparing draft meeting summaries to be circulated as indicated in Section 2. Meeting summaries will include the major issues discussed and any decisions or action items. Every effort will be made to distribute meeting summaries within 30 days of the meetings. Corrections may be submitted within 15 days after distribution of the meeting summaries. Meeting summaries and revisions will be posted on the Oroville Facilities relicensing web site and included in the Public Reference File. Copies of the summaries and any corrections will be placed in the Public Reference File and used in the six-month progress reports to be filed with FERC (see Sections I and J).

5. Informal Contacts

It is anticipated that during the course of the relicensing process there will be informal contacts and communications (1) between DWR personnel and FERC staff, (2) between various other Participants and FERC staff, (3) between DWR and other Participants and (4) among Participants.

Contact log sheets (electronic format) will be utilized to document all substantive oral communications. In cases involving conversations with the FERC, the Participant initiating the call will summarize the call and submit the log to DWR for inclusion in the Public Reference File. Contact log sheets will include information pertinent to the communication (i.e., individuals involved, date of communication, subject of communication, issues discussed, and actions taken).

G. Written Communications

Substantive correspondence regarding relicensing of the Oroville Facilities between DWR and other Participants, DWR and FERC, or Participants and FERC shall become part of the Public Reference File and posted on the Oroville Facilities relicensing web site. Correspondence between relicensing Participants may also be submitted for inclusion in the Public Reference File and on the Oroville Facilities relicensing web site. Send copies to DWR at the address set forth in Section D. If possible, all correspondence should be sent in electronic format (E-mail or disk) so that it can be posted on the Oroville Facilities

relicensing web site. Participants wishing to send correspondence to FERC should reference Docket Number P-2100 and send them to:

Mr. David P. Boergers, Secretary
Federal Energy Regulatory Commission
825 North Capitol Street, NE
Washington, DC 20426

Copies of all materials related to the relicensing of the Oroville Facilities prepared by, or received by, a State or federal agency will be made available to the public in a manner consistent with the respective agency's procedure governing public records.

H. Oral Communication with FERC Staff

Prior to DWR filing its formal relicensing application, anticipated to take place between August 1, 2004 and January 31, 2005, DWR and Participants may engage in oral communications with FERC staff without prior notice to other parties.

For all substantive oral communications, DWR will include written summaries in the Public Reference File and post the summaries on the Oroville Facilities relicensing web site. Participants who communicate orally with FERC shall submit similar written summaries to DWR at the address set forth in Section D for posting and inclusion in the Public Reference File. Written summaries should include the name and title of the individual and/or organization, date of communication, issues discussed, and action taken, if any.

I. Public Reference File

The Public Reference File relating to the relicensing of the Oroville Facilities will consist of copies of written correspondence, meeting summaries, study plans, and study reports, FERC contact summaries, and other related documents. DWR will maintain duplicate Public Reference Files at its Sacramento headquarters and at its Oroville Field Division. The addresses are:

1416 9th Street, Room 338
Sacramento, California 95814

460 Glen Drive
Oroville, California 95966

FERC will maintain a file of meeting summaries, six-month progress reports, and other pre-filing documents for viewing in its Public Reference Room in

Washington, D.C.⁵. FERC will also make these documents available on its Records and Information Management System (RIMS) web site located at www.ferc.fed.us.

Materials will be available for review and copying by any member of the public at these three locations. Paper copies from DWR's Public Reference File will be available for 10 cents per page.

All requests for documents from DWR should be directed to the Public Reference File attendant and should state the document title and the date, and specify FERC Project No. 2100.

J. Six-Month Progress Report to FERC

Pursuant to 18 C.F.R. §4.34(i)(6)(ii), DWR will provide FERC with a progress report every six months for the duration of the Communications Protocol. These progress reports will be provided in electronic format (CD-ROM). Copies of the reports will be available to Participants, and the general public at the Oroville Facilities relicensing web site or on CD-ROM, if requested.

K. Duration of Communications Protocol

This Communications Protocol will become effective upon FERC's approval of DWR's request to use the Alternative Licensing Procedures and will remain in effect until FERC notifies DWR that the draft environmental assessment and final license application have been accepted for filing with FERC as set forth in 18 C.F.R. §4.32(d). The Communications Protocol may be extended by mutual agreement of the Participants.

L. Revision of Communications Protocol

This Communications Protocol may be revised as appropriate by agreement of DWR and Participants.

Attachments

Attachment 1---Map showing license project boundaries of Oroville Facilities Project No. 2100

Attachment 2---18 C.F.R. §4.34(i) (Alternative Licensing Procedures)

⁵ Relicensing participants may access these documents through FERC's Records and Information Management System (RIMS) web site using Docket Number P-2100.